

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, February 24, 2012

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Student Rabbi Carolan Glatstein, followed by the Pledge of Allegiance led by House pages Emily Carr and Brittany Cleveland.

Roll Call: All members present except Reps. Boomgarden and Stricherz who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

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1 Also MR. SPEAKER:

2 The Committee on Education respectfully reports that it has had under consideration
3 SB 139 and returns the same with the recommendation that said bill be referred to the
4 Committee on Appropriations with a Do Pass recommendation.

5 Respectfully submitted,
6 Thomas J. Brunner, Chair

7 Also MR. SPEAKER:

8 The Committee on State Affairs respectfully reports that it has had under consideration
9 SB 188 and returns the same with the recommendation that said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on State Affairs respectfully reports that it has had under consideration
12 SB 162 and returns the same with the recommendation that said bill be amended as follows:

13 162oa

14 On the printed bill, delete everything after the enacting clause and insert:

15 " Section 1. Terms used in this Act mean:

16 (1) "GOED," the Governor's Office of Economic Development;

17 (2) "Governing body," the governing body of the sponsor;

18 (3) "High technology activity," includes any of the following:

19 (a) Advanced computing, which is any technology used in the design or
20 development of computer hardware and software, data communications, or
21 information technologies;

22 (b) Advanced materials, which are materials with engineered properties created
23 through the development of specialized process and synthesis technology;

24 (c) Biotechnology, which is any technology that uses living organisms, cells,
25 macromolecules, micro-organisms, or substances from living organisms to
26 make or modify a product, improve plants or animals, or develop
27 micro-organisms for useful purposes. Biotechnology does not include human
28 cloning or stem cell research with embryonic tissue;

29 (d) Electronic device technology, which is any research or technology that
30 involves:

- 1 (i) Microelectronics, semiconductors, or electronic equipment;
- 2 (ii) Instrumentation, radio frequency, microwave, and millimeter
- 3 electronics;
- 4 (iii) Optical and optic-electrical devices; or
- 5 (iv) Data and digital communications and imaging devices;
- 6 (e) Engineering or laboratory testing related to the development of a product;
- 7 (f) Technology that assists in the assessment or prevention of threats or damage
- 8 to human health or the environment, including environmental cleanup
- 9 technology, pollution prevention technology, or development of alternative
- 10 energy sources;
- 11 (g) Medical device technology, which is any technology that involves medical
- 12 equipment or products;
- 13 (h) Product research and development; or
- 14 (i) Advanced vehicles' technology, which is any technology that involves:
- 15 (i) Electric vehicles, hybrid vehicles, or alternative fuel vehicles; or
- 16 (ii) Components used in the construction of electric vehicles, hybrid
- 17 vehicles, or alternative fuel vehicles;
- 18 (4) "Sponsor," any incorporated municipality, county, or improvement district created
- 19 pursuant to chapter 7-25A.

20 Section 2. The governing body of a sponsor may apply to GOED for designation of all or
21 part of the area within the sponsor's jurisdictional area as a certified technology park. The
22 application shall be in a form specified by GOED and shall include information GOED deems
23 necessary to make the determinations required pursuant to this Act.

24 Section 3. After receipt of an application submitted pursuant to section 2 of this Act, GOED
25 may designate a certified technology park for a period of five years if GOED determines that
26 the designation is in the best interests of economic development within this state and the
27 proposed certified technology park satisfies the following criteria:

- 28 (1) A firm commitment from at least one business engaged in a high technology activity
- 29 creating a significant number of jobs at the proposed site;
- 30 (2) A firm demonstration of support from a postsecondary educational institution, a
- 31 public or private institute that engages in research, a public or military research and
- 32 development or testing facility on an active United States government military base
- 33 or other military installation located within, or in the vicinity of, the proposed

1 certified technology park, or a laboratory or other research facility owned, operated
2 or funded by the United States located within, or in the vicinity of, the proposed
3 certified technology park; and

4 (3) A firm demonstration of support from an economic development organization within
5 the sponsor's jurisdictional area.

6 Section 4. Within thirty days of the first anniversary of designation and within thirty days
7 of each anniversary thereafter, the sponsor shall furnish on forms provided by GOED all of the
8 following information:

9 (1) Total employment and payroll levels for businesses operating within the certified
10 technology park;

11 (2) The nature and extent of any technology transfer and research activity occurring
12 within the certified technology park;

13 (3) The nature and extent of any nontechnology businesses operating within the certified
14 technology park; and

15 (4) An analysis of the certified technology park's overall contributions to the
16 technology-based economy in this state.

17 Section 5. The sponsor may apply to GOED for renewal of the designation of a certified
18 technology park. The application shall be on forms supplied by GOED and shall be filed at least
19 three months prior to the expiration of the existing designation. GOED may renew the
20 designation of a certified technology park for up to five additional years if the requirements of
21 section 3 of this Act continue to be met and if the sponsor has complied with section 4 of this
22 Act.

23 Section 6. GOED may conduct, or cause to be conducted, such inspections and reviews of
24 the proposed certified technology park site and books and records relating to the application for
25 certification or recertification as GOED deems appropriate to carry out the provisions of this
26 Act.

27 Section 7. Each application for designation of a certified technology park, each application
28 for renewal of a designation, and all information related to any such applications, to the extent
29 not already in the public domain, shall be held in confidence by GOED and may not be made
30 available to the public prior to designation. If designation or redesignation is denied, the denial
31 shall remain confidential and no record of the application may be made available to the public.
32 If a designation or redesignation is granted, the information provided to GOED in connection
33 with the application and the information provided pursuant to section 4 of this Act shall be
34 available for public inspection and for use in marketing the certified technology park.

35 Section 8. GOED may revoke the designation of a certified technology park after notice and
36 a hearing conducted pursuant to the provisions of chapter 1-26 if the sponsor fails to comply
37 with section 4 of this Act or if the site no longer qualifies for designation as a certified
38 technology park."

1 162ota

2 On page 1, line 1 of the printed bill, delete everything after "Act to" and insert "provide for
3 the designation of certified technology parks."

4 On page 1, delete lines 2 to 4, inclusive.

5 And that as so amended said bill do pass.

6 Also MR. SPEAKER:

7 The Committee on State Affairs respectfully reports that it has had under consideration
8 SB 161 and returns the same with the recommendation that said bill be amended as follows:

9 161ob

10 On page 2, line 12, of the Senate State Affairs Committee engrossed bill, delete everything
11 after "listen" and insert "to the meeting via telephone or the internet".

12 On page 2, line 13, delete everything before " ." .

13 And that as so amended said bill do pass and be placed on the consent calendar.

14 Also MR. SPEAKER:

15 The Committee on State Affairs respectfully reports that it has had under consideration
16 SB 114 and 175 which were deferred to the 41st Legislative Day.

17 Respectfully submitted,
18 David Lust, Chair

19 **MESSAGES FROM THE SENATE**

20 MR. SPEAKER:

21 I have the honor to return herewith HB 1017, 1018, 1051, 1117, 1130, 1156, 1164, 1178,
22 1199, and 1254 and HJR 1006 which have passed the Senate without change.

23 Also MR. SPEAKER:

24 I have the honor to return herewith HB 1059 and 1230 which have been amended by the
25 Senate and your concurrence in the amendments is respectfully requested.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HCR 1011 in which the Senate has concurred.

3 Respectfully,
4 Fee Jacobsen, Secretary

5 **MOTIONS AND RESOLUTIONS**

6 Rep. Cronin moved that HCR 1016 and HCR 1017 be referred to the Committee on State
7 Affairs.

8 Which motion prevailed.

9 Rep. Deelstra moved that the House do concur in Senate amendments to HB 1066.

10 The question being on Rep. Deelstra's motion that the House do concur in Senate
11 amendments to HB 1066.

12 And the roll being called:

13 Yeas 68, Nays 0, Excused 2, Absent 0

14 Yeas:

15 Abdallah; Blake; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott;
16 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
17 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
18 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
19 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
20 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van
21 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

22 Excused:

23 Boomgarden; Stricherz

24 So the motion having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the motion carried and the amendments were concurred in.

26 Rep. Tulson moved that the House do concur in Senate amendments to HB 1131.

27 The question being on Rep. Tulson's motion that the House do concur in Senate
28 amendments to HB 1131.

29 And the roll being called:

1 Yeas 67, Nays 1, Excused 2, Absent 0

2 Yeas:

3 Abdallah; Blake; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott;
4 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
5 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
6 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
7 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
8 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tulson; Turbiville; Van Gerpen;
9 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

10 Nays:

11 Tornow

12 Excused:

13 Boomgarden; Stricherz

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the motion carried and the amendments were concurred in.

16 Rep. Abdallah moved that the House do concur in Senate amendments to HB 1227.

17 The question being on Rep. Abdallah's motion that the House do concur in Senate
18 amendments to HB 1227.

19 And the roll being called:

20 Yeas 67, Nays 0, Excused 3, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott;
23 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
24 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
25 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
26 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
27 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Tulson; Turbiville; Van Gerpen;
28 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

29 Excused:

30 Boomgarden; Stricherz; Tornow

31 So the motion having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the motion carried and the amendments were concurred in.

1 HCR 1012: A CONCURRENT RESOLUTION, Directing the Department of Game, Fish
2 and Parks to return a mountain lion carcass or pelt to a certain Harding County resident and to
3 reconsider its policy with respect to possession of mountain lion carcasses and pelts.

4 Rep. Olson moved that HCR 1012 as found on pages 520 and 521 of the House Journal be
5 adopted.

6 The question being on Rep. Olson's motion that HCR 1012 be adopted.

7 And the roll being called:

8 Yeas 21, Nays 47, Excused 2, Absent 0

9 Yeas:

10 Brunner; Fargen; Greenfield; Hansen (Jon); Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones;
11 Kloucek; Liss; Miller; Nelson (Stace); Olson (Betty); Russell; Schrempp; Steele; Tornow; Van
12 Gerpen; Venner; Wink

13 Nays:

14 Abdallah; Blake; Bolin; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Feickert;
15 Feinstein; Gibson; Gosch; Haggar; Hawley; Hickey; Hoffman; Iron Cloud III; Killer; Kirkeby;
16 Kirschman; Kopp; Lucas; Lust; Magstadt; Moser; Munsterman; Novstrup (David); Perry;
17 Romkema; Rozum; Schaefer; Scott; Sigdestad; Sly; Solum; Street; Tulson; Turbiville;
18 Vanneman; Verchio; White; Wick; Willadsen; Wismer; Speaker Rausch

19 Excused:

20 Boomgarden; Stricherz

21 So the motion not having received an affirmative vote of a majority of the members-elect,
22 the Speaker declared the motion lost.

23 HCR 1014: A CONCURRENT RESOLUTION, Urging the United States Department of
24 Veterans Affairs to reconsider its proposed closure of certain VA facilities in Hot Springs.

25 Rep. Iron Cloud III moved that HCR 1014 as found on pages 566 to 568 of the House
26 Journal be adopted.

27 The question being on Rep. Iron Cloud III's motion that HCR 1014 be adopted.

28 And the roll being called:

29 Yeas 66, Nays 1, Excused 3, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott;
3 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
4 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
5 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
6 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
7 Schrempp; Scott; Sigdestad; Sly; Solum; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman;
8 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Steele

11 Excused:

12 Boomgarden; Street; Stricherz

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and HCR 1014 was adopted.

15 HCR 1015: A CONCURRENT RESOLUTION, Urging the federal government to secure
16 our national borders and enforce United States immigration laws.

17 Rep. Nelson moved that HCR 1015 as found on pages 568 and 569 of the House Journal
18 be adopted.

19 The question being on Rep. Nelson's motion that HCR 1015 be adopted.

20 And the roll being called:

21 Yeas 49, Nays 18, Excused 3, Absent 0

22 Yeas:

23 Abdallah; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Elliott; Gosch;
24 Greenfield; Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Jones; Kirkeby;
25 Kloucek; Kopp; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup
26 (David); Olson (Betty); Romkema; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Steele;
27 Tornow; Tulson; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
28 Speaker Rausch

29 Nays:

30 Blake; Dennert; Fargen; Feickert; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Iron Cloud III;
31 Killer; Kirschman; Liss; Lucas; Perry; Rozum; Solum; Turbiville; Wismer

32 Excused:

33 Boomgarden; Street; Stricherz

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the motion carried and HCR 1015 was adopted.

1 HCR 1018: A CONCURRENT RESOLUTION, Urging Congress to restore the impact aid
2 program.

3 Rep. Brunner moved that HCR 1018 as found on pages 571 and 572 of the House Journal
4 be adopted.

5 The question being on Rep. Brunner's motion that HCR 1018 be adopted.

6 And the roll being called:

7 Yeas 66, Nays 1, Excused 3, Absent 0

8 Yeas:

9 Abdallah; Blake; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Fargen;
10 Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
11 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
12 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup
13 (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott;
14 Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman;
15 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

16 Nays:

17 Bolin

18 Excused:

19 Boomgarden; Nelson (Stace); Stricherz

20 So the motion having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the motion carried and HCR 1018 was adopted.

22 SECOND READING OF CONSENT CALENDAR ITEMS

23 SB 106: FOR AN ACT ENTITLED, An Act to require the disclosure of certain public
24 employee contracts.

25 Was read the second time.

26 The question being "Shall SB 106 pass as amended?"

27 And the roll being called:

28 Yeas 66, Nays 2, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Fargen;
3 Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
4 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
5 Kirschman; Kloucek; Kopp; Liss; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
6 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;
7 Scott; Sigdestad; Sly; Solum; Steele; Street; Tornow; Tulson; Turbiville; Van Gerpen;
8 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Blake; Lucas

11 Excused:

12 Boomgarden; Stricherz

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 SB 112: FOR AN ACT ENTITLED, An Act to remove the limitation on the number of
17 retail gaming licenses in Deadwood in which a person may have a financial interest.

18 Having had its second reading was up for consideration and final passage.

19 112fa

20 Rep. Hickey moved that SB 112 be amended as follows:

21 On page 1, after line 5 of the printed bill, insert:

22 " Section 2. That chapter 42-7B be amended by adding thereto a NEW SECTION to read as
23 follows:

24 Notwithstanding the provisions of § 42-7B-58, the Commission of Gaming shall make
25 available upon written request a list of the owners of each licensed gaming establishment."

26 Which motion lost.

27 The question being "Shall SB 112 pass?"

28 And the roll being called:

29 Yeas 48, Nays 20, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Blake; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Fargen; Feinstein;
3 Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hoffman; Hunhoff (Bernie); Jones;
4 Killer; Kirkeby; Kirschman; Kopp; Liss; Lust; Magstadt; Moser; Munsterman; Novstrup
5 (David); Olson (Betty); Perry; Romkema; Rozum; Sigdestad; Sly; Solum; Steele; Street; Tulson;
6 Turbiville; Vanneman; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

7 Nays:

8 Bolin; Brunner; Feickert; Hickey; Hubbel; Hunt; Iron Cloud III; Jensen; Kloucek; Lucas; Miller;
9 Nelson (Stace); Russell; Schaefer; Schrempp; Scott; Tornow; Van Gerpen; Venner; Verchio

10 Excused:

11 Boomgarden; Stricherz

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 SB 192: FOR AN ACT ENTITLED, An Act to make appropriations for the purpose of
15 one-time increases in education and health care funding.

16 Having had its second reading was up for consideration and final passage.

17 192mc

18 Rep. Wink moved that SB 192 be amended as follows:

19 Delete the previously adopted amendment (192mb), thus restoring the bill to the original
20 printed bill.

21 Rep. Lust moved the previous question.

22 Which motion prevailed.

23 A roll call vote was requested and supported.

24 The question being on Rep. Wink's motion that SB 192 be amended.

25 And the roll being called:

26 Yeas 41, Nays 27, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch; Greenfield; Haggar;
3 Hansen (Jon); Hoffman; Hunt; Jensen; Kirkeby; Kopp; Lust; Magstadt; Miller; Moser;
4 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Scott; Sly;
5 Solum; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen;
6 Wink; Speaker Rausch

7 Nays:

8 Blake; Bolin; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson; Hawley; Hickey; Hubbel;
9 Hunhoff (Bernie); Iron Cloud III; Jones; Killer; Kirschman; Kloucek; Liss; Lucas; Nelson
10 (Stace); Russell; Schrempp; Sigdestad; Steele; Street; Tornow; Wismer

11 Excused:

12 Boomgarden; Stricherz

13 So the motion having received an affirmative vote of a majority of the members present,
14 the Speaker declared the motion carried, and SB 192 was so amended.

15 The question being "Shall SB 192 pass?"

16 And the roll being called:

17 Yeas 64, Nays 4, Excused 2, Absent 0

18 Yeas:

19 Abdallah; Blake; Bolin; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott;
20 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
21 Hoffman; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman;
22 Kloucek; Kopp; Liss; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson
23 (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele;
24 Street; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick;
25 Willadsen; Wink; Wismer; Speaker Rausch

26 Nays:

27 Hubbel; Lucas; Nelson (Stace); Russell

28 Excused:

29 Boomgarden; Stricherz

30 So the bill having received an affirmative vote of a two-thirds majority of the members-
31 elect, the Speaker declared the bill passed and the title was agreed to.

32 SB 127: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
33 educational data reporting.

34 Having had its second reading was up for consideration and final passage.

1 The question being "Shall SB 127 pass as amended?"

2 And the roll being called:

3 Yeas 25, Nays 42, Excused 3, Absent 0

4 Yeas:

5 Abdallah; Brunner; Conzet; Cronin; Dryden; Gosch; Haggar; Hansen (Jon); Hoffman; Jones;
6 Lust; Moser; Munsterman; Novstrup (David); Perry; Schaefer; Sly; Solum; Street; Tulson;
7 Vanneman; White; Wick; Wismer; Speaker Rausch

8 Nays:

9 Blake; Bolin; Carson; Deelstra; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson;
10 Greenfield; Hawley; Hickey; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Killer;
11 Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Magstadt; Miller; Nelson (Stace); Olson
12 (Betty); Romkema; Rozum; Russell; Schrempp; Scott; Sigdestad; Steele; Tornow; Turbiville;
13 Van Gerpen; Venner; Verchio; Willadsen

14 Excused:

15 Boomgarden; Stricherz; Wink

16 So the bill not having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill lost.

18 Rep. Lust moved that SB 186 be placed to precede SB 123 on today's calendar.

19 Which motion prevailed.

20 SB 186: FOR AN ACT ENTITLED, An Act to update the definition of the nonsectarian
21 textbooks that are loaned to certain students to include digital materials.

22 Was read the second time.

23 186ce

24 Rep. Gosch moved that SB 186 be amended as follows:

25 On page 1, line 14, of the House Education Committee engrossed bill, delete everything
26 after "materials" .

27 On page 2, line 1, delete "copyright or site restriction provisions" .

28 Which motion prevailed.

1 The question being "Shall SB 186 pass as amended?"

2 And the roll being called:

3 Yeas 62, Nays 3, Excused 5, Absent 0

4 Yeas:

5 Bolin; Brunner; Carson; Conzet; Deelstra; Dennert; Dryden; Elliott; Fargen; Feickert; Gosch;
6 Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt;
7 Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust;
8 Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry;
9 Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Tornow;
10 Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
11 Wismer; Speaker Rausch

12 Nays:

13 Blake; Gibson; Street

14 Excused:

15 Abdallah; Boomgarden; Cronin; Feinstein; Stricherz

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill passed and the title was agreed to.

18 SB 123: FOR AN ACT ENTITLED, An Act to revise how the taxes are applied to rural
19 electric companies.

20 Was read the second time.

21 The question being "Shall SB 123 pass as amended?"

22 And the roll being called:

23 Yeas 64, Nays 2, Excused 4, Absent 0

24 Yeas:

25 Abdallah; Blake; Bolin; Brunner; Carson; Conzet; Deelstra; Dennert; Dryden; Elliott; Fargen;
26 Feickert; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;
27 Hubbel; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas;
28 Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty);
29 Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele;
30 Street; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick;
31 Willadsen; Wink; Wismer; Speaker Rausch

32 Nays:

33 Hunhoff (Bernie); Hunt

1 Excused:
2 Boomgarden; Cronin; Feinstein; Stricherz

3 So the bill having received an affirmative vote of a two-thirds majority of the members-
4 elect, the Speaker declared the bill passed and the title was agreed to.

5 Rep. Lust moved that SB 174, 169, 75, and 101 be deferred to Monday, February 27, the
6 28th legislative day.

7 Which motion prevailed.

8 There being no objection, the House reverted to Order of Business No. 7.

9 **MESSAGES FROM THE SENATE**

10 MR. SPEAKER:

1 I have the honor to inform your honorable body that the Senate has failed to concur in
2 House amendments to SB 157 and has appointed Sens. Olson, Tidemann, and Tieszen as a
3 committee of three on the part of the Senate to meet with a like committee on the part of the
4 House to adjust the differences between the two houses.

15 Respectfully,
16 Fee Jacobsen, Secretary

17 **ANNOUNCEMENTS**

18 The Speaker appointed Reps. Rausch, Gosch, and Hawley as a committee of three on the
19 part of the House to meet with a like committee on the part of the Senate to adjust the
20 differences between the two houses on SB 157.

21 There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 145 and 158 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 170 and returns the same with the recommendation that said bill be amended as follows:

170fe

On the Senate State Affairs Committee engrossed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 6 of the 2011 Session Laws be repealed.

Section 2. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as follows:

Any wind energy facility which installs wind turbines and operates the turbines to create electrical energy is eligible for a rebate of the sales and use taxes and contractors' excise taxes paid on the project. The wind energy facility is eligible for the rebate if the project has a construction date on or after January 1, 2013, and the total project costs exceeds fifty million dollars. For project costs incurred and paid after January 1, 2013, inclusive, the amount of the rebate for the wind energy facility shall be determined by multiplying the nameplate capacity, in megawatts, of the installed turbines by forty-five thousand dollars. The rebate is payable when construction is complete and the sales and use taxes and contractors' excise taxes have been paid in full.

Section 3. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as follows:

Any new business facility that is an environmental upgrade to an existing electric generation facility is eligible for a rebate of the sales and use taxes and contractors' excise taxes paid on the project. The new business facility is eligible for the rebate if the project has a construction date on or after January 1, 2013, and the total project costs exceeds fifty million dollars. For project costs incurred and paid after January 1, 2013, inclusive, the amount of the rebate for an environmental upgrade shall be fifty percent of the total sales and use taxes and contractors' excise taxes paid. The rebate is payable when construction is complete and the sales and use taxes and contractors' excise taxes have been paid in full.

1 Section 4. That subdivision (6) of § 10-45B-1 be amended to read as follows:

2 (6) "Power generation facility," a facility with one power unit that generates electricity
3 with a nameplate capacity of no less than ~~five~~ three hundred megawatts;

4 Section 5. That § 1-16G-1.2 be amended to read as follows:

5 1-16G-1.2. The Board of Economic Development may take title by foreclosure to any
6 property given as security if the acquisition is necessary to protect any economic development
7 grant or loan or any business incentive grant made ~~under~~ pursuant to the provisions of this
8 chapter, and may sell, transfer, or convey any such property to any responsible buyer. Any sale
9 of property ~~hereunder~~ pursuant to the provisions of this chapter shall be performed in a
10 commercially reasonable manner. If the sale, transfer, or conveyance cannot be effected with
11 reasonable promptness, the board may, in order to prevent financial loss and sustain
12 employment, lease the property to a responsible tenant or tenants.

13 All sale proceeds or lease payments received by the board pursuant to this section shall be
14 deposited in the fund from which the original grant or loan was made.

15 Section 6. That § 1-16G-8 be amended to read as follows:

16 1-16G-8. The Board of Economic Development shall promulgate rules pursuant to chapter
17 1-26 concerning the following:

- 18 (1) The existing barriers to economic growth and development in the state;
- 19 (2) Developing investment in research and development in high technology industries;
- 20 (3) The submission of business plans prior to the approval of economic development
21 grants or loans or business incentive grants. Business plans shall include the products
22 or services to be offered by the applicant, job descriptions with attendant salary or
23 wage information by job category, educational requirements by job category,
24 methods of accounting, financing other than that provided by the economic
25 development grant or loan or a business incentive grant, and marketing, sales,
26 merchandising, and other disciplines proposed to be used for business growth and
27 expansion;
- 28 (4) The cooperation between agencies of state government and applicant businesses for
29 nonfinancial services including loan packaging, marketing assistance, research
30 assistance, and assistance with finding solutions for complying with environmental,
31 energy, health, safety, and other federal, state, and local laws and regulations;
- 32 (5) Regular performance monitoring and reporting systems for participating businesses
33 to assure compliance with their business plans ~~and~~, terms of repayment of an
34 economic development loan and compliance with terms of an economic development
35 grant or a business incentive grant;
- 36 (6) Establish eligibility criteria for grants and loans;

- 1 (7) Establish application procedures for grants and loans, including a requirement that
2 grant and loan applications be signed under penalty of perjury;
- 3 (8) Establish criteria to determine which applicants will receive grants or loans;
- 4 (9) Govern the use of proceeds of grants and loans;
- 5 (10) Establish criteria for the terms and conditions upon which loans shall be made,
6 including matching requirements, interest rates, repayment terms, and the terms of
7 security given to secure such loans; ~~and~~
- 8 (11) Establish criteria for the terms and conditions upon which grants shall be made,
9 including permitted uses, performance criteria, and matching requirements; and
- 10 (12) Establish criteria for the terms and conditions upon which grants shall be repaid for
11 noncompliance with the terms and conditions upon which the grant was made.

12 Section 7. That § 1-16G-16.1 be amended to read as follows:

13 1-16G-16.1. The Board of Economic Development may use the revolving economic
14 development and initiative fund for the purpose of paying taxes and liens and for the procuring
15 of legal services and other services necessary to protect, recover, maintain, and liquidate the
16 assets of the revolving economic development and initiative fund and the business incentive
17 grant fund. Such costs may be incurred and paid up to ten percent of the loan or grant balance
18 with a majority vote of the board of economic development. Costs in excess of ten percent shall
19 be approved by a two-thirds vote of the board. Such services are not subject to state bid laws
20 so long as such services are procured in a commercially acceptable manner.

21 Section 8. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as
22 follows:

23 Terms used in sections 8 to 13, inclusive, of this Act mean:

- 24 (1) "Large-scale project," a project with a total project cost exceeding five million
25 dollars;
- 26 (2) "Project cost," the amount paid in money, credits, property, or other money's worth
27 for a project.

28 Section 9. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as
29 follows:

30 For the purposes of sections 8 to 13, inclusive, of this Act, the term, project, means a new
31 building or structure or the expansion of an existing building or structure, the construction of
32 which is subject to the contractors' excise tax imposed by chapters 10-46A or 10-46B. A project
33 includes laboratory and testing facilities, manufacturing facilities, power generation facilities,
34 power transmission facilities, agricultural processing facilities, and wind energy facilities. A
35 project does not include any building or structure:

- 1 (1) Used predominantly for the sale of products at retail, other than the sale of electricity
2 at retail, to individual consumers;
- 3 (2) Used predominantly for residential housing or transient lodging;
- 4 (3) Used predominantly to provide health care services;
- 5 (4) Constructed for raising or feeding of livestock; or
- 6 (5) That is not subject to ad valorem real property taxation or equivalent taxes measured
7 by gross receipts.

8 Section 10. That chapter 1-16G be amended by adding thereto a NEW SECTION to read
9 as follows:

10 There is established in the state treasury a fund to be known as the business incentive grant
11 fund for the purpose of making grants for large-scale project development. All money in the
12 business incentive grant fund is hereby continuously appropriated for the purpose of making
13 business incentive grants as provided in this chapter. Any repayment of grants from the business
14 incentive grant fund and any interest thereon shall be receipted into the business incentive grant
15 fund.

16 Section 11. That chapter 1-16G be amended by adding thereto a NEW SECTION to read
17 as follows:

18 The Board of Economic Development may make business incentive grants from the business
19 incentive grant fund for the purpose of promoting large-scale project development in South
20 Dakota.

21 Section 12. That chapter 1-16G be amended by adding thereto a NEW SECTION to read
22 as follows:

23 The Board of Economic Development may accept and expend for the purposes of sections
24 10 and 11 of this Act, any funds obtained from federal sources, gifts, contributions, or any
25 source if such acceptance and expenditure is approved in accordance with § 4-8B-10.

26 Section 13. That chapter 1-16G be amended by adding thereto a NEW SECTION to read
27 as follows:

28 There is hereby continuously appropriated to the business incentive grant fund the amount
29 of eighteen percent of all deposits into the general fund of the contractors' excise tax imposed
30 by chapter 10-46A and the alternate contractors' excise tax imposed by chapter 10-46B.
31 Transfers from the general fund to the business incentive grant fund pursuant to this provision
32 shall be made on a monthly basis by the Bureau of Finance and Management.

33 Section 14. The provisions of section 13 of this Act are effective on January 1, 2013."

1 170fte

2 On page 1, line 1 of the Senate State Affairs Committee engrossed bill, delete everything
3 after "to" and insert " repeal the large project development fund and the appropriation therefor,
4 to provide tax rebates for certain energy projects, to establish and provide for the administration
5 of the business incentive grant fund, and to make an appropriation for the business incentive
6 grant fund.".

7 On page 1, delete line 2.

8 And that as so amended said bill do pass.

9 Respectfully submitted,
10 Roger D. Solum, Chair

11 Also MR. SPEAKER:

12 The Committee on Judiciary respectfully reports that it has had under consideration SB 10
13 and returns the same with the recommendation that said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on Judiciary respectfully reports that it has had under consideration SB 43
16 and returns the same with the recommendation that said bill be amended as follows:

17 43ra

18 On page 1, line 14, of the printed bill, after "felony." insert "This section does not apply
19 to any health care provider or to any facility licensed pursuant to chapter 34-12.".

20 And that as so amended said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on Judiciary respectfully reports that it has had under consideration SB 91
23 and returns the same with the recommendation that said bill be amended as follows:

24 91fc

25 On page 1 of the Senate engrossed bill, delete lines 6 to 9, inclusive, and insert:

26 " After notice and unanimous vote of the shareholders, a shareholder of a subchapter S
27 corporation that has ten or fewer shareholders, may represent the corporation during a property
28 tax appeal, pursuant to chapter 10-11, to the Office of Hearing Examiners. The designated
29 shareholder does not need to be a licensed attorney. In order to exercise this option, the

1 corporation shall present to the Office of Hearing Examiners, the name and mailing address of
2 each of the shareholders, proof of notice to the shareholders, and a copy of the minutes and
3 motion or resolution reflecting the unanimous vote authorizing the designated shareholder to
4 represent the corporation in the appeal."

5 And that as so amended said bill do pass.

6 Also MR. SPEAKER:

7 The Committee on Judiciary respectfully reports that it has had under consideration SB 86
8 which was deferred to the 41st Legislative Day.

9 Respectfully submitted,
10 Roger W. Hunt, Chair

11 Also MR. SPEAKER:

12 The Committee on Legislative Procedure respectfully reports that HB 1047, 1050, 1063,
13 1065, 1079, 1088, 1128, 1153, 1192, 1195, 1202, and 1212 were delivered to his Excellency,
14 the Governor, for his approval at 10:50 a.m., February 24, 2012.

15 Also MR. SPEAKER:

16 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
17 and Enrolling has carefully compared HB 1017, 1018, 1051, 1117, 1130, 1156, 1164, 1178,
18 1199, 1254, and 1263 and HJR 1006 and finds the same correctly enrolled.

19 Respectfully submitted,
20 Val Rausch, Chair

21 **SIGNING OF BILLS**

22 The Speaker publicly read the title to

23 HB 1017: FOR AN ACT ENTITLED, An Act to authorize the Bureau of Administration
24 to construct a maintenance shop in Pierre, to make an appropriation therefor, and to declare an
25 emergency.

26 HB 1018: FOR AN ACT ENTITLED, An Act to repeal certain obsolete or unnecessary
27 provisions pertaining to the Department of Game, Fish and Parks.

28 HB 1051: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
29 Authority and the Board of Regents to implement the long-term capital project request of the

1 Board of Regents providing for the demolition, construction, remodeling, or renovation of
2 various structures on the campuses of the state's universities and to make appropriations
3 therefor.

4 HB 1117: FOR AN ACT ENTITLED, An Act to provide for the taking of muskrats by
5 shooting under certain conditions.

6 HB 1130: FOR AN ACT ENTITLED, An Act to revise the fee schedule for certain
7 documents filed with the county register of deeds, to create a county and statewide fund for the
8 purpose of modernizing and preserving records, and to distribute certain revenue.

9 HB 1156: FOR AN ACT ENTITLED, An Act to revise procedures and requirements
10 relating to special assessments and the financing of local improvements.

11 HB 1164: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
12 sale of certain surplus property in Yankton County.

13 HB 1178: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
14 disposal of local government property.

15 HB 1199: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
16 distribution of funds to sparse school districts.

17 HB 1254: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
18 decision of a pregnant mother considering termination of her relationship with her child by an
19 abortion, to establish certain procedures to insure that such decisions are voluntary, uncoerced,
20 and informed, and to revise certain causes of action for professional negligence relating to
21 performance of an abortion.

22 HB 1263: FOR AN ACT ENTITLED, An Act to provide for mandatory HIV testing for
23 any person convicted of prostitution or solicitation of prostitution and to provide for appropriate
24 utilization of the test results.

25 HJR 1006: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
26 general election an amendment to Article XIII, sections 20 and 21 of the Constitution of the
27 State of South Dakota, relating to the trust fund created from the proceeds of the state cement
28 enterprise sales.

29 SB 22: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
30 vacation or the change of location of county and township highways on school and public lands.

31 SB 37: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
32 natural resources conservation fund to the State Conservation Commission and to declare an
33 emergency.

34 SB 42: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding habeas
35 corpus.

1 SB 46: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase
2 an airport structure for use by South Dakota State University and to make an appropriation
3 therefor.

4 SB 47: FOR AN ACT ENTITLED, An Act to increase the authorized square footage for
5 the motor pool building at South Dakota State University, to make an appropriation therefor,
6 and to declare an emergency.

7 SB 70: FOR AN ACT ENTITLED, An Act to revise the procedures for filing referred laws,
8 initiated constitutional amendments, and initiated measures and to revise certain election
9 provisions and campaign finance requirements for referred laws, initiated constitutional
10 amendments, and initiated measures.

11 SB 72: FOR AN ACT ENTITLED, An Act to regulate persons offering speech-language
12 pathology to the public.

13 SB 82: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
14 unclaimed property trust fund.

15 SB 84: FOR AN ACT ENTITLED, An Act to allow for the reimbursement of travel
16 expenses during the recruitment of certain professional staff.

17 SB 90: FOR AN ACT ENTITLED, An Act to establish a fee for payments returned to the
18 Office of the Secretary of State due to insufficient funds and to provide for the distribution of
19 the fee.

20 SB 104: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
21 investment of public funds.

22 SB 128: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
23 elections.

24 SB 137: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
25 application for absentee voting.

26 SB 154: FOR AN ACT ENTITLED, An Act to revise certain statutes pertaining to persons
27 required to report child abuse and neglect.

28 SB 176: FOR AN ACT ENTITLED, An Act to establish a program to assist rural health
29 care facilities in recruiting certain health care professionals and to repeal certain provisions
30 regarding recruitment incentive payments for health care professionals.

31 SB 177: FOR AN ACT ENTITLED, An Act to establish a program to assist rural
32 communities to recruit certain health care professionals and to repeal certain provisions
33 regarding the physician, the midlevel, and the dentist tuition reimbursement programs.

1 SB 189: FOR AN ACT ENTITLED, An Act to provide a designation on certain nondriver
2 identification cards, driver licenses, and permits that the card holders or licensees are honorably
3 discharged veterans.

4 SB 196: FOR AN ACT ENTITLED, An Act to allow for the redistribution of existing
5 nursing facility beds.

6 And signed the same in the presence of the House.

7 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
8 3:11 p.m. the House adjourned.

9 Karen Gerdes, Chief Clerk
10 by Arlene Kvislen